

**U.S. District Court
District of Vermont (Burlington)
CIVIL DOCKET FOR CASE #: 2:05-cv-00100-wks**

Hansen v. Pfizer, Inc. et al
Assigned to: William K. Sessions III
Referred to:
Demand: \$
Lead Docket: None
Related Cases: None
Case in other court: None
Cause: 28:1446pl Petition for Removal - Product Liability

Date Filed: 04/18/05
Jury Demand: None
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Federal Question

Plaintiff

**Mary Hansen, on behalf of herself
and all others similarly situated**

represented by **D. Michael Noonan**
Shaheen & Gordon, P.A.
P.O. Box 977
Dover, NH 03821-0977
(603) 749-5000
Fax : (603) 749-5000
Email: mnoonan@shaheengordon.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Pfizer, Inc.

represented by **E. William Leckerling, III**
Lisman, Webster, Kirkpatrick &
Leckerling, P.C.
P.O. Box 728
Burlington, VT 05402-0728
(802)864-5756
Fax : (802)864-5756
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

**Parke-Davis, a division of Warner-
Lambert Company**

represented by **E. William Leckerling, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Filing Date	Num#	Docket Text

I hereby attest and certify on August 23, 2005 that
the foregoing document is a full, true and correct
copy of the original on file in my office, and in my
legal custody.

RICHARD PAUL WASKO
Clerk, U.S. District Court
District of Vermont

By: Richard Wright
Deputy Clerk 8/23/2005

04/18/2005	<u>1</u>	NOTICE OF REMOVAL by Pfizer, Inc., Parke-Davis from Franklin County Superior Court, case number unknown. (Filing fee \$ 250) (Attachments: # <u>1</u> Cover Sheet# <u>2</u> ExhibitA1of4# <u>3</u> ExhibitA2of4# <u>4</u> ExhibitA3of4# <u>5</u> ExhibitA4of4)(admin,) [Entry Date 04/19/2005]
04/19/2005	<u>2</u>	Letter requesting file and docket sheet from Franklin County Superior Court. Cy to attys and State Court. (wjf,) [Entry Date 04/19/2005]
04/22/2005	<u>3</u>	JOINT MOTION for Extension of Time to File Answer re Complaint (not received from State Court) by Mary Hansen, Pfizer, Inc., Parke-Davis. (wjf,) [Entry Date 04/22/2005]
04/26/2005	<u>4</u>	ORDER granting <u>3</u> Motion for Extension of Time to Answer. Pfizer, Inc. and Parke-Davis answers due (1) 30 days after any decision resolving plaintiff's anticipated motion to remand, (2) 30 days after transfer of this action to the MDL Court, or in the event no motion to remand is filed by plaintiff, (3) on or before June 30, 2005. Signed by Judge J. Garvan Murtha on 04/26/2005. (This is a text only Order.) (kbl,) [Entry Date 04/26/2005]
05/04/2005	<u>5</u>	FULLY EXECUTED JOINT MOTION by Mary Hansen, Pfizer, Inc., Parke-Davis of [4] Order on Motion for Extension of Time to Answer,, <u>3</u> MOTION for Extension of Time to File Answer re <u>1</u> Notice of Removal. (Motion has been ruled on, SeeDoc. No. [4]) (wjf,) [Entry Date 05/04/2005]
05/13/2005	<u>6</u>	MOTION to Stay Pending Transfer by Judicial Panel on Multi-District Litigation re <u>1</u> All Proceedings by Pfizer, Inc., Parke-Davis. Responses due by 5/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (Attachments: # <u>1</u> Exhibit A)(wjf,) [Entry Date 05/13/2005]
05/18/2005	<u>7</u>	COMPLAINT against Pfizer, Inc., Parke-Davis filed by Mary Hansen. (Filed in State Court 2/18/05) (Attachments: # <u>1</u> # <u>2</u> # <u>3</u>)(wjf,) [Entry Date 05/18/2005]
05/18/2005	<u>8</u>	AMENDED COMPLAINT against Pfizer, Inc., Parke-Davis filed by Mary Hansen. (Filed in State Court 4/14/05) (Attachments: # <u>1</u>)(wjf,) [Entry Date 05/18/2005]
05/18/2005	<u>9</u>	RETURN OF SERVICE Executed. Pfizer, Inc. served on 3/29/2005, answer due 4/18/2005. (Filed in State Court 4/18/2005) (wjf,) [Entry Date 05/18/2005]
05/18/2005	<u>10</u>	RETURN OF SERVICE Executed. Parke-Davis served on 3/29/2005, answer due 4/18/2005. (Filed in State Court 4/18/2005) (wjf,) [Entry Date 05/18/2005]

05/18/2005	<u>11</u>	NOTICE by Pfizer, Inc., Parke-Davis re <u>1</u> Notice of Removal (Filed in State Court 04/20/2005) (wjf,) [Entry Date 05/18/2005]
05/18/2005	<u>12</u>	RECEIVED FILE and certified copy of docket sheet from Franklin County Superior Court. (wjf,) [Entry Date 05/18/2005]
05/18/2005	<u>13</u>	MOTION to Remand Proceeding to the Franklin County Superior Court, by Mary Hansen. Responses due by 6/2/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (mfm,) [Entry Date 05/18/2005]
05/18/2005	<u>14</u>	MEMORANDUM by Mary Hansen, in support of <u>13</u> MOTION to Remand. (mfm,) [Entry Date 05/18/2005]
05/23/2005	<u>15</u>	RESPONSE in Opposition re <u>6</u> MOTION to Stay re <u>1</u> Notice of Removal filed by Mary Hansen. (mfm,) [Entry Date 05/23/2005]
05/23/2005	<u>16</u>	MEMORANDUM IN OPPOSITION TO <u>6</u> DEFENDANT'S MOTION TO STAY and in support of <u>15</u> Response in Opposition to Defendant's Motion to Stay filed by Mary Hansen (mfm,). Modified on 5/23/2005 (jse,).
06/07/2005	<u>17</u>	RESPONSE in Opposition re <u>13</u> MOTION to Remand filed by Pfizer, Inc., Parke-Davis. (wjf,) [Entry Date 06/07/2005]
06/07/2005	<u>18</u>	REPLY to Response to Motion re <u>6</u> MOTION to Stay re <u>1</u> Notice of Removal filed by Pfizer, Inc., Parke-Davis. (wjf,) [Entry Date 06/07/2005]
06/07/2005	<u>19</u>	ORDER REASSIGNING CASE. Case reassigned to Judge William K. Sessions, III for all further proceedings. Judge J. Garvan Murtha no longer assigned to case. Signed by Judge J. Garvan Murtha on 6/7/2005. (jlh,) [Entry Date 06/08/2005]
08/15/2005	<u>20</u>	Letter from MDL Panel. (law) [Entry Date 08/15/2005]
08/23/2005	<u>21</u>	TRANSFER ORDER (MDL Docket No. 1629). Case transferred to District of Massachusetts; certified copy of docket sheet sent. (law) [Entry Date 08/23/2005]
08/23/2005	<u>22</u>	TRANSFER LETTER to USDC-District of Massachusetts. (law) [Entry Date 08/23/2005]



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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
OFFICE OF THE CLERK
1 COURTHOUSE WAY
BOSTON, MASSACHUSETTS 02210

Sarah Allison Thornton
CLERK OF COURT

August 18, 2005

Mr. Richard Paul Wasko, Clerk
United States District Court
Federal Bldg
11 Elmwood Avenue
Burlington, VT 05401

RECEIVED
BURLINGTON, VT

AUG 22 2006

CLERK'S OFFICE
U.S. DISTRICT COURT

IN RE: MDL DOCKET No. 1629 In Re: Neurontin Marketing and Sales Practices
USDC - Massachusetts Lead Case No. 1:04cv10981-PBS
Your Case: Civil Action No: 1:05-cv-00100 Hansen v. Pfizer, Inc. et al
District of MA No: 1:05-cv-11707 PBS

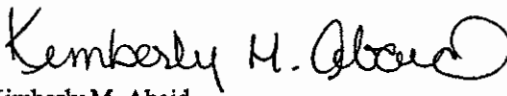
Dear Mr. Wasko:

Enclosed is a certified copy of the Order of the Judicial Panel on Multi-District Litigation, transferring the cases on the attached listing to the U.S. District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to Title 28 United States Code Section 1407. These cases have been assigned to the Honorable Patti B. Saris.

In accordance with the Rules concerning Multi-District Litigation, please forward the original case file, along with a certified copy of the docket entries and a copy of the transfer order for the case now pending in your district as indicated above. Also include a copy of this letter when transmitting your records to the above address.

Your prompt attention to this matter is greatly appreciated. If you should have any questions, please do not hesitate to contact the undersigned at 617-748-9113, Robert Alba, Courtroom Clerk for Judge Saris at 617-748-9175 or Christine Patch, Docket Clerk for Judge Saris, at 617-748-9178.

Sincerely,


Kimberly M. Abaid
Deputy Clerk

Information Copy to: Michael Beck, Clerk of the Panel
Counsel of Record
Robert Alba
Christine Patch

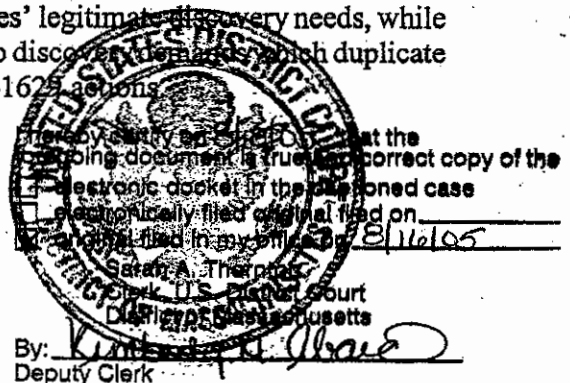
AUG 10 2005

FILED
CLERK'S OFFICE**DOCKET NO. 1629****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE NEURONTIN MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION***Ellen DeRosa v. Pfizer Inc., et al.*, D. New Hampshire, C.A. No. 1:05-116*Mary Hansen v. Pfizer Inc., et al.*, D. Vermont, C.A. No. 1:05-100**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.
LOWELL JENSEN, J. FREDERICK MOTZ,* ROBERT L. MILLER, JR.,
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE
PANEL****TRANSFER ORDER**

Before the Panel is a motion brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in a District of New Hampshire action and a District of Vermont action. Plaintiffs move to vacate the Panel's order conditionally transferring the actions to the District of Massachusetts for inclusion in the centralized pretrial proceedings occurring there in this docket before Judge Patti B. Saris. Defendants Pfizer Inc. (Pfizer) and a Pfizer affiliate support transfer of both actions.

On the basis of the papers filed and hearing session held, the Panel finds that these two actions involve common questions of fact with actions in this litigation previously transferred to the District of Massachusetts, and that transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel is persuaded that transfer of the actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the District of Massachusetts was a proper Section 1407 forum for actions sharing factual questions arising out of allegations that common defendants had engaged in the illegal promotion and sale of the drug Neurontin for "off-label" use. *See In re Neurontin Marketing and Sales Practices Litigation*, 342 F.Supp.2d 1350 (J.P.M.L. 2004). Transfer under Section 1407 will permit these putative class actions that also are predicated on an alleged off-label Neurontin marketing scheme to proceed before a single transferee judge who is familiar with the complex questions at issue in MDL-1629 and who can structure pretrial proceedings to consider all parties' legitimate discovery needs, while ensuring that common parties and witnesses are not subjected to discovery demands which duplicate activity that will occur or has already occurred in other MDL-1629 actions.

*Judge Motz took no part in the disposition of this matter.



- 2 -

Plaintiffs premised much of their opposition to transfer on the argument that federal jurisdiction was lacking in their actions, and they urged the Panel not to order transfer before their motions to remand to state court were resolved by the federal courts in New Hampshire and Vermont. This objection has now been mooted with respect to the New Hampshire action as a result of the New Hampshire court's June 14, 2005 order denying remand. At any rate, such motions, if not resolved in transferor courts by the time of Section 1407 transfer, can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the District of Massachusetts and, with the consent of that court, assigned to the Honorable Patti B. Saris for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman